

Appl. No. 10/811,527
Docket No. 8768MD2
Amdt. dated June 29, 2010
Reply to Office Action mailed on March 30, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 37-45 and 47-53 are pending in the application. Claims 1-36, 46 and 54 were previously canceled without prejudice. Claims 37, 39-40, 43, 47-48, and 52 are rejected. Claims 38, 41-42, 44-45, 49-51, and 53 are objected to. Herein, Applicants amend Claims 37, 51, and 53; cancel Claim 50; and add no claims; WHEREUPON Claims 37-45, 47-49, and 51-53 remain to be examined. No additional claims fees are believed to be due.

Claim 37 is amended to incorporate the limitations of Claim 50.

Claim 51 is amended to correct dependency in view of the cancellation of other claims herein.

Claim 50 is cancelled without prejudice.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Formal Matters

The Office Action indicates that the request to correct the inventorship of the present application under 37 CFR §1.48(a) is deficient as allegedly lacking the signature of Mr. Donald Roe (page 2). The Office Action states that Mr. Roe should be considered a deleted inventor for the purposes of 37 CFR §1.48(a)(2), thereby requiring his signature. Applicants respectfully submit that Mr. Roe's signature is not required, as explained below.

Mr. Roe was properly named as a inventor and an original signer of the original oath. However, as averred to by Applicants representative, Mr. John Colbert, in Applicants submission of a Request to Delete Inventor under 37 CFR §1.48(b), filed on January 8, 2010, the deletion of Mr. Roe as an inventor in the present application is "due to amendments of the claims during prosecution" (see page 1 of the Request to Delete). Applicants submit that a

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properly filed Request under 37 CFR§1.48(b) does not require the signature of the inventor being deleted, and as such, Applicants Request is not deficient.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner indicating allowable subject matter (page 4 of the Office Action). The Office Action indicates that Claims 38, 41-42, 44-45, 49-51, and 53 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior to entry of the amendments presented herein, Claim 50 depended directly from Claim 37. As such, a claim containing all of the limitations of Claim 37 and Claim 50 is allowable. By the amendments presented herein, Applicants have amended Claim 37 to include all of the limitations of Claim 50, thereby making amended Claim 37 allowable. As such, Applicants submit that the objections to Claims 38, 41-42, 44-45, 49, and 51, are now overcome and the objections should properly be withdrawn.

Applicants submit that the objection to Claim 50 is moot, as Claim 50 has been cancelled herein.

Prior to entry of the amendments presented herein, Claim 53 depended directly from Claim 37. As such, a claim containing all of the limitations of Claim 37 and Claim 53 is allowable. By the amendments presented herein, Applicants have amended Claim 53 to be rewritten in independent form and to include all of the limitations of Claim 37, thereby making amended Claim 53 allowable. As such, Applicants submit that the objection to Claim 50 is now overcome and the objection should properly be withdrawn.

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Rejections Under 35 U.S.C. §103(a) Over Jitoe In View Of Komamura

Claims 37-45 and 47-53 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over USPN 5,766,212 ("Jitoe"), in view of USPN 5,892,033 ("Komamura"). Applicants respectfully traverse this rejection as applied to the amended claims for the reasons set forth below.

As noted above, by the amendments presented herein, Applicants have amended Claim 37 to include all of the limitations of Claim 50, thereby making amended Claim 37 allowable, and Applicants have amended Claim 53 to be rewritten in independent form and to include all of the limitations of Claim 37, thereby making amended Claim 53 allowable. All of the remaining rejected claims depending (directly or indirectly) from Claim 37. Applicants submit that, at least, by their virtue of depending from a patentable claim (as discussed above) from which they include each and every limitation of the independent claim, the rejected dependent claims are also patentable over the cited art. As such, Applicants submit that the rejection as applied to the amended claims is improper and should be withdrawn.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is kindly invited to telephone the undersigned attorney.

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Respectfully submitted,

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